



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR TELECONFERENCE MEETING

Held at 12:00 Noon on July 6, 2005

9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Tim B. Hunter, M.D., Chair
William R. Martin III, M.D., Vice Chair
Douglas D. Lee, M.D., Secretary
Patrick N. Connell, M.D.
Ronnie R. Cox, Ph.D.
Robert P. Goldfarb, M.D.
Ingrid E. Haas, M.D.
Becky Jordan
Ram R. Krishna, M.D.
Lorraine L. Mackstaller, M.D.
Sharon B. Megdal, Ph.D.
Dona Pardo, Ph.D., R.N.

CALL TO ORDER

Timothy B. Hunter, M.D., called the meeting to order at 12:00 p.m.

ROLL CALL

The following Board Members were present: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Timothy B. Hunter, M.D., Becky Jordan, Lorraine L. Mackstaller, M.D., William R. Martin, III, M.D., Sharon B. Megdal, Ph.D., and Dona Pardo, Ph.D., R.N. The following Board member joined the meeting at 12:05 p.m.: Douglas D. Lee, M.D. The following Board Members were absent from the meeting: Ronnie R. Cox, Ph.D., and Ram R. Krishna, M.D.

CALL TO THE PUBLIC

No one was present for call to public.

APPROVAL OF MINUTES

Dona Pardo, Ph.D., R.N., Timothy B. Hunter, M.D. and Robert P. Goldfarb, M.D. provided staff corrections to the draft June 8-10, Board meeting minutes.

MOTION: Dona Pardo, Ph.D., R.N. moved to accept the June 8-10, 2005 meeting minutes as modified.

SECONDED: Robert P. Goldfarb, M.D.

VOTE: 9-yay, 0-nay, -abstain/recuse, -absent

MOTION PASSED.

Douglas D. Lee, M.D. joined the meeting at 12:05 p.m.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
1.	MD-04-0702A	AMB	MARVIN GINSBERG, M.D.	25958	Consent Agreement for a Letter of Reprimand for discipline received from another licensing jurisdiction for performing endoscopic procedures on patients without proper certification.
2.	MD-05-0145A	AMB	MARTIN LYNN BURNETT, M.D.	14738	Consent Agreement for a Decree of Censure for showing up at surgery under the influence and for the potential for patient harm; 5 years Probation for participation in the Board's Monitored Aftercare Program.

This case was pulled for further discussion. Dona Pardo, Ph.D., R.N. questioned the degree of severity as recommended by the Staff Investigational Review Committee and agreed to by the physician. Kathleen Muller, Senior Compliance Officer explained the Decree of Censure was recommended because Dr. Burnett presented to the hospital prepared to administer anesthesia under the influence of alcohol. Christine Cassetta, Board Legal Advisor, stated that the Board's rule allows for a censure for egregious conduct and she believed this is how SIRC saw this case and how the Board has viewed prior incidents. The Board discussed Dr. Burnett's blood alcohol level and noted how high it was when the hospital requested a blood alcohol test. Michel Sucher, Monitored Aftercare Program Medical Director, stated that a physician should not have a detectable level of alcohol when appearing in the hospital for surgery.

MOTION: Robert P. Goldfarb, M.D. moved to accept the proposed consent agreement.

SECONDED: Dona Pardo, Ph.D., R.N.

ROLL CALL VOTE: The following Board members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Timothy B. Hunter, M.D., Becky Jordan, Douglas D. Lee, M.D., Lorraine L. Mackstaller, M.D., William R. Martin, III, M.D., Sharon B. Megdal, Ph.D., and Dona Pardo, Ph.D., R.N.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
3.	MD-04-0493A	AMB	JEROME F. KOLESKI, M.D.	24504	Consent Agreement for a Decree of Censure for repeated failure to perform a diagnostic workup of a palpable breast mass and for failure to proceed with a biopsy.
4.	MD-05-0149A	AMB	WILBERT R. JONES, M.D.	30521	Consent Agreement for 5 Years Probation for participation in the Board's Monitored Aftercare Program.
5.	MD-05-0155A	AMB	JOSEPH D. MELONI, M.D.	20500	Consent Agreement for a Letter of Reprimand for failure to complete continuing medical education requirements in a timely manner.

MOTION: Sharon B. Megdal, Ph.D. moved to accept the proposed consent agreements for case numbers 1-5, with the exception of case number 2 that will be discussed individually.

SECONDED: Ingrid E. Haas, M.D.

ROLL CALL VOTE: The following Board members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Timothy B. Hunter, M.D., Becky Jordan, Douglas D. Lee, M.D., Lorraine L. Mackstaller, M.D., William R. Martin, III, M.D., Sharon B. Megdal, Ph.D., and Dona Pardo, Ph.D., R.N.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
6.	MD-03-1346A	AMB	MELISSA A. KYRIMIS, M.D.	25314	Accept the Draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for removing the wrong ovary during surgery resulting in the patient having to undergo a second surgery.
7.	MD-04-0128A	AMB	ADAM F. FEINGOLD, M.D.	23246	Accept the Draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for failing to appropriately monitor a high-risk pregnancy resulting in an emergency Caesarian section and stillbirth.
8.	MD-02-0749A	AMB	HARA P. MISRA, M.D.	14933	Accept the Draft Findings of Fact, Conclusions of Law and Order for a Decree of Censure for failure to properly manage the complication of a Greenfield Filter migrating to a patient's heart; 2 Years Probation to include 20 hours of continuing medical education for the indications of placement of vena cava filters and quarterly reviews of Dr. Misra's surgical charts.

MOTION: William R. Martin, III, M.D. moved to accept the draft Findings of Fact, Conclusions of Law and Order for cases 6-8.

SECONDED: Patrick N. Connell, M.D.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
9.	MD-05-0150A	AMB	RICHIE P. BAST, M.D.	14854	Accept the Amendment to Consent Agreement.

Timothy B. Hunter, M.D. pulled this case for discussion and explained that the order presented to the Board was an amendment to Dr. Bast's consent agreement. The Board approved the amendment to the consent agreement at its last meeting and requested that staff bring the amended order back to them to ensure the intent of amendment was captured before the order was issued. Dr. Sucher stated that the amendment is consistent with his understanding of the Board's intent and opined that the amendment increases the amount of responsibility for Dr. Hamblin, Dr. Bast's group practice partner, and increases the safeguard to the public.

MOTION: Becky Jordan moved to accept the amendment to the consent agreement.

SECONDED: Patrick N. Connell, M.D.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
10.	MD-04-0100A	AMB	MARK R. MOURITSEN, M.D.	28909	Deny the Modification/Clarification of Board Order.

Christi Banys, Senior Compliance Officer, provided the Board with a synopsis of this case. She explained that Dr. Mouritsen was reported to the Board with allegations of narcotic prescription fraud. Dr. Mouritsen completed treatment for his admitted substance abuse problem and has been participating in the Board's Monitored Aftercare Program (MAP) under an interim consent agreement that also includes a group practice and schedule II prescribing restriction. Dr. Mouritsen requested that MAP's Diversion Committee consider two requests to lift his group practice and schedule II prescribing restriction. The Diversion Committee recommended that there be no modification to the consent. Ms. Banys also informed the Board that while Dr. Mouritsen is currently in compliance with his Interim Consent Agreement, he has advised Board staff that he has formed an association with an osteopathic physician who practices at another office location and he intends to open a clinic in a rural underserved area on July 7, 2005.

Dr. Sucher explained that the supervisory agreement proposed will allow a satisfactory situation. However, he did not support modifying the prescribing modification request. Dr. Sucher explained that David Greenberg, M.D. is also in agreement with his opinion.

The Board discussed the association Dr. Mouritsen has formed with the osteopathic physician. Sharon B. Megdal, Ph.D. expressed concern with this type of relationship because the criminal investigation into Dr. Mouritsen's underlying case is not complete and because an osteopathic physician is not under the jurisdiction of this Board. Dr. Megdal stated that at this point, modifying the group practice restriction provides too much latitude. Patrick N. Connell, M.D. agreed with Dr. Megdal. Timothy B. Hunter, M.D. agreed with Dr. Sucher and found the agreement to be satisfactory. Dr. Connell explained that there is value to having another physician present in the medical facility that is more than a monthly monitoring situation. This physician is just starting out in his practice. Dr. Megdal stated that the doctor is forcing the Board's hand by stating that he will begin practicing under the group practice situation that he has proposed on July 7, 2005.

MOTION: Patrick N. Connell, M.D. moved to deny the modification until the investigation into the underlying criminal case is brought before the Board. At that time, the Board will consider final terms governing Dr. Mouritsen's practice.

SECONDED: Douglas D. Lee, M.D.

Dr. Megdal clarified that this request does not meet the terms of his current order.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
11.	MD-01-0705	AMB	RICHARD R. HEUSER, M.D.	19703	Rescind Referral to Formal Hearing/Issue Advisory Letter for failure to comply with state law.

Dean Brekke, Assistant Attorney General, explained that this matter was referred to the Attorney General's office some time ago. Assistant Attorney General Melissa Cornelius reviewed the case completely and concluded that this was a dispute between two physicians and based on documents in the file, Dr. Heuser, functioned in some capacity as the supervising physician. There was sufficient evidence to contradict the complainant and the evidence in this case would not withstand a formal hearing. Therefore, the Attorney General's Office has requested that this case be returned to the Board with a recommendation of an advisory letter.

MOTION: Robert P. Goldfarb, M.D. moved to rescind the referral to formal hearing and issue an advisory letter for failure to comply with state law. This was a technical violation.

SECONDED: Lorraine L. Mackstaller, M.D.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

The meeting adjourned at 12:28 p.m.

[Seal]

Timothy C. Miller, J.D., Executive Director